

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

BRITTNEY L MATLOCK
Claimant

APPEAL NO: 12A-UI-11172-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

RYDER INTEGRATED LOGISTICS INC
Employer

OC: 08/12/12
Claimant: Appellant (1)

Iowa Code § 96.5(2)a - Discharge

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's September 6, 2012 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because she had been discharged for disqualifying reasons. The claimant did not respond to the hearing notice or participate in the hearing. Ellen Heuer, a human resource representative, appeared on the employer's behalf. Based on the evidence, the employer's arguments, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

ISSUE:

Did the employer discharge the claimant for reasons constituting work-connected misconduct?

FINDINGS OF FACT:

The claimant started working for the employer on March 21, 2012. The employer hired her to work as a full-time material handler. The claimant received information that the employer's attendance policy allows employees six unexcused absence during a 12-month period.

During her employment, the claimant called in and reported she was ill and unable to work on May 29, 30, 31, and June 3. On June 5, the claimant did not report to work, but she did not notify the employer she was unable to work. Since the claimant did not have any time off to cover any of these absences, she received attendance occurrences for each of these five days. The employer gave her a final written warning on June 17 because she accumulated five attendance points.

The claimant worked as scheduled on August 8. She did not call or report to work on August 9. The employer tried unsuccessfully to call the claimant and talk to her on August 10 and 13. The claimant did not call or report to work after August 8. The employer ended her employment on August 13, 2012, for excessive absenteeism.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if an employer discharges her for reasons constituting work-connected misconduct. Iowa Code § 96.5(2)a. The law presumes excessive unexcused absenteeism is an intentional disregard of the claimant's duty to an employer and amounts to work-connected misconduct except for illness or other reasonable grounds for which the employee was absent and has properly reported to the employer. 871 IAC 24.32(7).

The employer's policy defines excessive absenteeism as accumulating six attendance points in 12 months. When the claimant received her June 17 written warning, she knew or should have known her job was in jeopardy for attendance issues. Since the claimant did not properly notify the employer about her August 9 absence and it is not known why she was absent on August 9, the evidence establishes the employer discharged her for excessive, unexcused absenteeism or work-connected misconduct. As of August 12, 2012, the claimant is not qualified to receive benefits.

DECISION:

The representative's September 6, 2012 determination (reference 01) is affirmed. The employer discharged the claimant for reasons constituting work-connected misconduct. The claimant is disqualified from receiving unemployment insurance benefits as of August 12, 2012. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw